

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

TRAMAIN DONTA OSBEY, #M8299

PLAINTIFF

VS.

CIVIL ACTION NO. 3:12CV178TSL-JMR

RANDY SMITH

DEFENDANT

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge John M. Roper entered on March 15, 2013, recommending that defendant's motion to dismiss the complaint for lack of prosecution be granted. Plaintiff Tramain Donta Osbey filed an objection to the motion which lacked evidentiary support. He has further failed to avail himself of the opportunity to cure this defect. Having reviewed the report and recommendation, the court concludes that the motion is well taken and hereby adopts, as its own opinion, the magistrate judge's report and recommendation.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate John M. Roper entered on March 15, 2103, be, and the same is hereby, adopted as the finding of this court.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 18th day of July, 2013.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE